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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
PHAM, THOMAS K

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/755,751	REDDY ET AL.
		Examiner	Art Unit
		Thomas K. Pham	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This action is in response to the request for re-consideration file 02/15/2005.

2.   Applicant's arguments with respect to claims 1-35 have been considered but are moot in

view of the new ground(s) of rejection.

Quotations of U.S. Code Title 35

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

5.   Claims 1-3, 5-7, 10-20, 23-27, 30-32 and 34 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent No. 6,023,507 ("Wookey").

Regarding claims 1 and 12

Wookey teaches enabling remote monitoring and management of one or more applications

within a domain, the domain being one of a plurality of such domains, comprising:

-   one or more computers within the domain, and coupled to a network, each operable to

    execute one or more applications being monitored and managed (col. 8 lines 16-23);

-   a firewall operable to limit access to the applications within the domain from the network

    (FIG. 3 firewall 305);

an application management layer within the domain comprising:

-   one or more agents each operable to monitor one or more corresponding applications

    and generate notifications in response to the occurrence of events associated with the

    corresponding applications (col. 3 lines 39-48); and

-   a gateway operable to receive one or more of the notifications and store the

    notifications in a database (col. 3 lines 52-58); and

a communication layer within the domain operable to:

-   retrieve one or more of the notifications from the database in response to a request

    received from a monitoring and management portal coupled to the network outside

    the domain, the request communicated to the communication layer using a

    communication protocol providing access through the firewall (col. 4 lines 9-12 and

    col. 4 lines 49-52); and

- communicate the notifications to the monitoring and management portal using the communication protocol to enable remote monitoring and management of the associated applications (col. 4 lines 46-55).

It should be noted that prior art *service center*, *master*, and *slave* represent the application's *monitoring and management portal*, *agent*, and *the corresponding applications*, respectively.

Regarding claim 2

Wookey teaches each agent includes one or more monitors each operable to interface with a particular corresponding application (col. 7 lines 14-18).

Regarding claims 3 and 15

Wookey teaches one or more of the notifications comprise information regarding the state of an associated application (col. 7 lines 5-9).

Regarding claims 5, 18 and 25

Wookey teaches the communication protocol comprises hypertext transport protocol (HTTP) (col. 3 lines 45-48). *The communication via the Internet is inherently comprises HTTP.*

Regarding claims 6, 19 and 26

Wookey teaches the request from the monitoring and management portal comprises a request for the state of a particular application (col. 4 lines 41-45).

Regarding claims 7 and 20

Wookey teaches the request from the monitoring and management portal comprises a request for all notifications of a particular type relating to one or more selected applications in one or more selected domains (FIG. 6 shows more than one set of monitoring domain in a larger network).

Regarding claim 10, 23 and 30

Wookey teaches the domain is distributed from others of the plurality of domains (FIG. 6).

Regarding claim 11

Wookey teaches the communication layer is further operable to:

- receive a command for a particular application communicated from the monitoring and management portal using a communication protocol providing access through the firewall associated with each selected domain (col. 4 lines 9-12). *Examiner interprets that the master (agent) receives command from the server center (via the scheduler) for transmitting diagnostic information*; and

- communicate the command to an agent associated with the application to which the command is directed (col. 4 lines 9-12). *The command is communicate directly from the service center (monitoring and management portal) to a master (agent)*; and

- the agent is further operable to execute the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application (col. 7 lines 14-24).

Regarding claim 13

Wookey teaches detecting the occurrence of events comprises monitoring each application using one or more agents within the associated domain, each agent including one or more monitors each operable to interface with a particular corresponding application within the domain (col. 3 lines 39-45).

Regarding claim 14

Wookey teaches configuring the agents and monitors from the monitoring portal using HTTP communications with web servers within the domains, each web server operable to communicate configuration instructions received from the monitoring portal to the agents within the associated domain (col. 3 lines 45-48).

Regarding claim 16

Wookey teaches generating a response at each domain including the retrieved notifications for the domain that may be interpreted by a web browser within the monitoring portal (col. 4 lines 36-40); and communicating the response to the web browser using the network (col. 4 lines 46-52).

Regarding claim 17

Wookey teaches receiving the retrieved notifications from each of the selected domains at the monitoring portal (col. 6 lines 45-60); and aggregating the retrieved notifications from each of the selected domains for display to a user of the monitoring portal in a unified view (col. 8 lines 52-54).

Regarding claim 24

Wookey teaches a method for remotely managing applications, comprising:

- generating a command for each of a plurality of applications at a management portal coupled to a network, the applications being of a common type (col. 4 lines 2-9);

- within each selected domain, the applications executed on a plurality of computers within a plurality of domains, each domain coupled to the network and including a firewall limiting access to the applications within the domain (col. 8 lines 16-23);

- communicating the command from the web server to an agent associated with the application to which the command is directed (col. 4 lines 9-12). *The command communicates directly from the service center (monitoring and management portal) to the master (agent)*; and

- within each selected domain, each selected domain comprising an application to which a command is directed (col. 6 lines 61-65). *The master is the application that a command from the service center is directed in order to collect diagnostic information*; and

- within each selected domain, executing the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application (col. 7 lines 14-24).

Regarding claim 27

Wookey teaches the communication layer within each domain is operable to: communicate with the management portal using hypertext transport protocol (HTTP) (col. 3 lines 45-48); and communicate with the agents within the domain using one or more application program interfaces associated with each agent (col. 7 lines 5-9).

Regarding claims 31, 32 and 34

Wookey teaches software for enabling remote monitoring and management of one or more applications within a domain, the domain being one of a plurality of such domains, the software embodied in a computer-readable medium and, when executed by a computer, operable to:

- detect the occurrence of events associated with a plurality of applications executed on a plurality of computers within a plurality of domains, each domain coupled to a network

and including a firewall limiting access to the applications within the domain (col. 3 lines

39-45);

- generate notifications in response to the occurrence of the events, each notification

  associated with at least one application (col. 7 lines 9-12);

- store at least some of the notifications in databases within the domains that comprise the

  associated applications (col. 5 lines 1-7);

- retrieve notifications from the databases of a plurality of selected domains in response to

  a request received from a monitoring portal coupled to the network the request

  communicated to the selected domains using a communication protocol providing access

  through the firewalls associated with the selected domains (col. 4 lines 9-12 and col. 4

  lines 49-52); and

- communicate the retrieved notifications from each of the selected domains to the

  monitoring portal using the communication protocol (col. 6 lines 2-6).

- making the retrieved notifications from each of the selected domains available at a

  computer associated with the monitoring portal for display to a user of the monitoring

  portal in a unified view in which the notification are aggregated (col. 8 lines 52-54).

Claim Rejections - 35 USC § 103

6.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey in view of

U.S. Patent 6,510,350 ("Steen").

Regarding claim 4

Wookey teaches the communication layer query the database to retrieve the one or more notifications from the database; and generate a response including the notifications that may be interpreted by a web browser within the monitoring and management portal but does not teach a servlet engine operable to execute a servlet, the servlet operable to: query and collect data from a database and a web server operable to receive the response from the servlet engine and communicate the response to the web browser using the network. However, Steen teaches a servlet engine execute a servlet to either gather data or launches responses from the provider's database (col. 4 lines 21-27, "Software on the provider's system ... made at the primary site") and a provider's system is operate to communicate between the servlet engine and the user through any web browser (col. 3 line 65 to col. 4 line 20, "The user accesses the ... from Internet associated break in") for the purpose of buffering between the provider's database and the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the servlets of Steen with the communication layer of Wookey because it would provide for the purpose of buffering between the server's database and the user web browser.

7.   Claims 8-9, 21-22, 28-29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey and in view of U.S. Patent 5,826,239 ("Du").

Regarding claim 8, 21 and 28

Wookey teaches a system for enabling remote monitoring and management of applications but does not teach the applications comprise electronic marketplace enabling applications. However, Du teaches a workflow process managing system for providing a business management concept

(col. 8 lines 11-15, "a workflow process 18 ... needed to enact work") for the purpose of

managing the rule and organizing policy enforcement requirements of a business. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate the electronic business application of Du with the system of Wookey because it

would provide for the purpose of managing the rule and organizing policy enforcement

requirements of a business.

Regarding claim 9, 22 and 29

Du teaches the applications comprise business processes (col. 9 lines 59-64, "To monitor the

progress ... HP Open View environment").

Regarding claim 35

Wookey teaches a method for remotely managing applications, comprising:

- generating a command for each of a plurality of applications at a management portal

  coupled to a network, the applications executed on a plurality of computers within a

  plurality of domains, each domain coupled to the network and including a firewall

  limiting access to the applications within the domain (col. 3 lines 39-45);

- communicating the commands to a web server within each of one or more selected

  domains using hypertext transport protocol (HTTP) (col. 6 lines 2-6), each selected

  domain comprising an application to which a command is directed (col. 6 lines 61-65);

- within each selected domain, communicating the command from the web server to an

  agent associated with the application to which the command is directed (col. 4 lines 9-

  12); and

- within each selected domain, executing the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application (col. 7 lines 14-24).

Wookey does not teach managing a plurality of electronic marketplace enabling applications. However, Du teaches a workflow process managing system for providing a business management concept (col. 8 lines 11-15, "a workflow process 18 ... needed to enact work") for the purpose of managing the rule and organizing policy enforcement requirements of a business. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the electronic business application of Du with the system of Wookey because it would provide for the purpose of managing the rule and organizing policy enforcement requirements of a business.

8.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey in view of Steen and further in view of U.S. Patent 5,826,239 ("Du").

Regarding claim 33

Motoyama teaches a system for enabling remote monitoring and management of one or more enabling applications within a domain, the domain being one of a plurality of distributed domains, the system comprising:

- one or more computers within the domain and coupled to a network, each operable to execute one or more applications being monitored and managed (col. 8 lines 16-23);

- a firewall operable to limit access to the applications within the domain from the network (FIG. 3 firewall 305);

an application management layer within the domain comprising:

- one or more agents each operable to monitor one or more corresponding applications and generate notifications in response to the occurrence of events associated with the corresponding applications (col. 3 lines 39-48); and

- a gateway operable to receive one or more of the notifications and store the notifications in a database (col. 3 lines 52-58); and

a communication layer within the domain operable to:

- query the database to retrieve one or more of the notifications from the database in response to a request received from a monitoring and management portal coupled to the network, the request communicated to the communication layer using hypertext transport protocol (HTTP) (col. 4 lines 9-12 and col. 6 lines 2-6);

- generate a response including the notifications that may be interpreted by a web browser within the monitoring and management portal (col. 4 lines 46-55);

Wookey does not teach the method of managing a plurality of electronic marketplace enabling applications; and a servlet engine operable to execute a servlet, the servlet operable to: query and collect data from a database and a web server operable to receive the response from the servlet engine and communicate the response to the web browser using HTTP to enable remote monitoring and management of the associated applications. However, Steen teaches a servlet engine execute a servlet to either gather data or launches responses from the provider's database (col. 4 lines 21-27, "Software on the provider's system ... made at the primary site") and a

provider's system is operate to communicate between the servlet engine and the user through any web browser (col. 3 line 65 to col. 4 line 20, "The user accesses the … from Internet associated break in") for the purpose of buffering between the provider's database and the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the servlets of Steen with the communication layer of Wookey because it would provide for the purpose of buffering between the server's database and the user web browser. Furthermore, Du teaches a workflow process managing system for providing a business management concept (col. 8 lines 11-15, "a workflow process 18 … needed to enact work") for the purpose of managing the rule and organizing policy enforcement requirements of a business. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the electronic business application of Du with the system of Wookey because it would provide for the purpose of managing the rule and organizing policy enforcement requirements of a business.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*, whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (703) 872- 9306.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

April 27, 2005

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